

Bayer HealthCare  
Pharmaceuticals

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To Commissioner for Patents  
USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax (571) 273-8300 Pages 12 including fax cover

Date May 16, 2007

From William F. Gray

Fax (203) 812-6459 Tel. (203) 812-2712

Re Our Ref. LeA 36 839 – Reponse to Notification of Missing  
Requirements

Bayer Pharmaceuticals  
Corporation

400 Morgan Lane  
West Haven, CT 06516

Phone: (203) 812-2712  
Fax: (203) 812-6459

E-mail:  
william.gray.b@bayer.com

**PLEASE ACKNOWLEDGE RECEIPT**

If you have any problems with the attached facsimile call (203) 812-2712.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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PATENT

Attorney Docket No. LeA 36 839

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No: PCT/EP04/09843

International Filing Date: 09/03/2004

U.S. Application No.: 10/572,175

First Named Inventor: Golz, Stefan

Title: Isolated Photoprotein Mtcllytin and Use Thereof

## CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted, on the date shown below, to the United States Patent and Trademark Office, facsimile number (571) 273-8300.

Date: 16 May 2007

  
William F. Gray

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 02/16/2007. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))  
\$130.00.

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**EXTENSION OF TIME**

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for 1 months.

Fee \$120.00

If an additional extension of time is required, please consider this a petition therefor.

**TOTAL FEE DUE**

The total fee due is:

Completion fees	\$130.00
Extension fee (if any)	<u>\$120.00</u>
Total Fee Due	\$250.00

**METHOD OF PAYMENT**

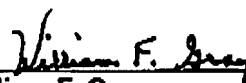
The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$250.00 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: 16 May 2007

Registration No.: 31018

Phone: (203) 812-2712

  
\_\_\_\_\_  
William F. Gray  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/572,175	Stefan Golz	Le A 36 839

35969  
JEFFREY M. GREENMAN  
BAYER PHARMACEUTICALS CORPORATION  
400 MORGAN LANE  
WEST HAVEN, CT 06516

INTERNATIONAL APPLICATION NO.	
PCT/EP04/09843	
I.A. FILING DATE	PRIORITY DATE
09/03/2004	09/16/2003

CONFIRMATION NO. 7833  
371 FORMALITIES LETTER  
\*OC000000022532465\*

Date Mailed: 02/16/2007

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/16/2006
- English Translation of the IA filed on 03/16/2006
- Copy of the International Search Report filed on 03/16/2006
- Preliminary Amendments filed on 03/16/2006
- Information Disclosure Statements filed on 03/16/2006
- Biochemical Sequence Diskette filed on 03/16/2006
- Biochemical Sequence Listing filed on 03/16/2006
- Request for Immediate Examination filed on 03/16/2006
- U.S. Basic National Fees filed on 03/16/2006
- Priority Documents filed on 03/16/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

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Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/572,175	PCT/EP04/09843	Lo A 36 839

FORM PCT/DO/EO/905 (371 Formalities Notice)